IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 5284 of 2005

Between:

Gaddam Venkata Samaiah, S/o.G.Vengaiah,
R/o.Mittapalli Village, Gaddamvari Palli (Post)
Udayagiri Mandal, Nellore District.

..... PETITIONER

AND

1 The Joint Registrar of Cooperative Societies-Cum- District

Cooperative officer Nellore.
2 The Sub-Divisional Cooperative officer, Udayagiri, Nellore District.
3 The Person-In-Charge, Thimmareddipalli

Primary Agricultural Coop.Credit Society, varikuntapadu Mandal,
Nellore District.
4 Sri.Mekapati Chandrasekhar Reddy, M.L.A.

Udayagiri Constituency, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Mandamus, declaring the action of the initiation of proceedings against the petitioner by the respondents and the issuance of the order in Rc.No.1/2005 dated 2-3-2005 by the 3rd respondent as illegal, arbitrary and contrary to the provisions of the A.P. Cooperative societies Act, 1964 and consequently set aside the same and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.ROY REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR COOPERATION

The Court at the admission stage made the following:

ORDER:

Challenging the order in Rc.No.1/2005, dated 02.03.2005, issued by the 3rd respondent, the present writ petition is filed.

The learned Counsel for the petitioner vehemently contended that the enquiry under Section 51 of the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act') is illegal, and therefore, he prays to set aside the impugned order. The learned Government Pleader for Cooperation opposed the same.

The learned Counsel for the petitioner also relied upon a decision in ***M.Laxmana Rao v. Primary Agricultural Cooperative Society***, wherein the learned single Judge of this Court held that initiation of proceedings under Section 51 of the Act is *ab initio void* as no just or reasonable grounds are made out attracting the provisions of Section 51 of the Act.

In this writ petition, the suspension order is under challenge. The competent authority, who issued the impugned order, is not under challenge. The writ petition is devoid of merit.

Therefore, the Writ Petition is dismissed. No order as to costs.

Dated: 16.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Joint Registrar of Cooperative Societies-
cum-District Cooperative Officer, Nellore

2. The Sub-Divisional Cooperative Officer,
Udayagiri, Nellore District

3. The Person-in-charge,
Thimmareddipalli Primary Agricultural
Cooperative Credit Society,
Varikuntapadu Mandal, Nellore District

4. Two CCs to the Government Pleader
for Cooperation, High Court Buildings,
Hyderabad (OUT)

5. Two CD copies